

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
UNITED STATES OF AMERICA : CONSENT PRELIMINARY ORDER  
- v. - : OF FORFEITURE/  
JOSEPH OLIVIERI, : MONEY JUDGMENT  
Defendant. : S2 18 Cr. 316 (PAC)

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WHEREAS, on or about August 22, 2018, JOSEPH OLIVIERI (the "defendant"), was charged in a seven-count Superseding Indictment, S2 18 Cr. 316 (PAC)(the "Indictment"), with conspiracy to unlawfully distribute controlled substances - oxycodone, oxymorphone, morphine sulfate, amphetamine, testosterone, nandrolone, and alprazolam, in violation of Title 21 , United States Code, Section 846 (Count One), unlawful distribution of controlled substances - oxycodone, oxymorphone, and alprazolam, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and 841(b)(2); Title 18, United States Code, Section 2 (Count Two through Six), unlawful distribution of controlled substances - testosterone and nandrolone, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(E)(i)and Title 18, United States Code, Section 2 (Count Seven);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Seven, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offenses and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses charged in Counts One through Seven of the Indictment including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Seven of the Indictment;

WHEREAS, on or about May 1, 2019, the defendant pled guilty to Count One of the Indictment, pursuant to a written plea agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit to the United States, pursuant to Title 21, United States Code, Section 853, a sum of money equal to \$500,000 in United States currency, representing any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offense and any and all property used, or intended to be used, in any manner or part, to commit, or

to facilitate the commission of, the offenses charged in Count One of the Indictment;

WHEREAS, the defendant consented in the plea agreement to the entry of a money judgment in the amount of \$500,000 in United States currency representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the defendant personally obtained; and

WHEREAS, the defendant has given consent to his counsel, Julia Gatto, Esq., to execute this Consent Preliminary Order of Forfeiture/Money Judgment on behalf of the defendant;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorneys, Tara M. La Morte, Robert B. Sobelman, and Daniel C. Richenthal, of counsel, and the defendant, and his counsel, Julia Gatto, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the defendant pled guilty, a money judgment in the amount of \$500,000 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the defendant personally obtained, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, JOSEPH OLIVIERI, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN  
United States Attorney for the  
Southern District of New York

By:

*Robert B. Sobelman*

TARA M. LA MORTE  
ROBERT B. SOBELMAN  
DANIEL C. RICHENTHAL  
Assistant United States Attorneys  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-1041/2616/2109

5/22/2020

DATE

JOSEPH OLIVIERI

By:

*Julia Gatto*  
JULIA GATTO, ESQ.  
Attorney for Defendant  
Federal Defenders of New York  
52 Duane Street, 101th Floor  
New York, NY 10007

*5/22/20*

DATE

SO ORDERED:

*Paul A. Crotty*

HONORABLE PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE

5/29/2020

DATE